enthusiasm for his work and his promise to improve the health outcomes of the individuals he will one day serve will be a great asset to our nation's health care system.

Mr. Speaker, I ask all of my distinguished colleagues to join me in congratulating Duy Bui and wishing him success in all of his future endeavors.

STELA REAUTHORIZATION ACT OF 2014

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2014

Ms. JACKSON LEE. Mr. Speaker, I rise to speak on H.R. 4572, the Satellite Reauthorization Act or ''STELA Act.''

First, I would like to thank Chairman COBLE and Ranking Member NADLER for holding two Judiciary Committee hearings in the past year where we have examined the laws and related issues relating to satellite television codified in Title 17 of the United States Code.

The relevant part of STELA expires at the end of the year but I am sure that those in the industry would have us do something before then, preferably before the lame duck session after November.

I would note the inclusion of a provision in this bill which some consumer groups find objectionable because it repeals the integration ban which deprives consumers of choice.

This is from the Energy and Commerce Committee—though hopefully it will be worked out before the President signs—because consumers must not be deprived of choices.

And now that the Supreme Court has decided the Aereo case, we have another set of variables on the table.

I mention the Aereo case because it is the seminal case due to its timing but it also reminds us of how ephemeral our work can be in this Committee and this Congress.

Back in 1992 and through all of the other reauthorizations of STELA and the concurrent surge of innovation from the late 1990s until present day—who could have contemplated the existence of an Aereo, HULU, Netflix, or Pandora?

In doing so we are able to take a walk down the memory lane of analog and digital television, the role of cable and satellite providers, vis-a-vis their network partners.

It is useful to note that in the 18th Congressional District of Texas my constituents are able to avail themselves of DISH, Comcast, ATT, and even Phonoscope which I believe is one of the oldest in the nation and a Houston, Texas company since 1953.

In looking at these laws, we must note the role of the Copyright Office which released a widely-read report on the Satellite Television Extension and Localism Act in August 2011 as ordered by the last reauthorization, and the GAO report which focused on consumer issues.

Americans from Houston, Texas, Chicago, New York, the Bay Area, and all across this great nation benefit from a broadcast system which consists of the laws which undergird the system, buffeted by the policy and practices by which transmitters, providers, artists, writers, musicians, and other creators of all stripes benefit.

The system stands on principles of balance and fairness which allow for continued innovation while not infringing on the property rights of others.

In my state, I see satellite dishes in urban and rural areas but it seems like a higher percentage of rural homes have DISH or DIRECTV than in the cities and towns. Is that an accurate observation and if so, why?

What is the justification for a 30-foot outdoor rooftop antenna being the standard for measuring whether a home can get a broadcaster over-the-air signal?

Who has 30-foot antennas on their rooftops these days? Can folks even go out and buy those and install them easily?

Shouldn't the standard reflect the consumer realities and be changed to a regular indoor antenna that can be picked up at most electronics stores?

What are the criteria for a household to be considered ''unserved''? Does the current definition of unserved households adequately account for those homes that do not receive over-the-air signals?

This will be the 6th reauthorization of STELA but to my knowledge there has never before been a discussion of these blackouts, because they simply didn't happen in the past like they do today. We've gone from zero blackouts to 12 in 2010 and now 127 in 2013.

Viewers in my state have experienced their fair share of blackouts and I stand with them in saying: we don't like them.

We must all agree that blackouts must stop.

The statutory framework for the retransmission of broadcast television signals has been based on a distinction between local and distant signals.

The signals of significantly viewed stations and the signals of in-state, out-of-market stations in the four states that satellite operators were allowed to import into orphan counties under the exceptions in SHVERA, originate outside the market into which they are imported; in that regard, they are distant signals and they have been subject to the Section 119 distant signal statutory copyright license.

Since significantly viewed stations and the ''exception'' stations can be presumed to be providing programming of local or state-wide interest to counties in particular local markets, arguably that content could be viewed as local to the counties into which they are imported and should be treated accordingly.

STELA modified the Copyright Act to treat those signals as local, moving the relevant provisions from Section 119 to Section 122.

If a broadcaster opts to negotiate a retransmission consent agreement, cable companies are no longer required to broadcast that signal pursuant to the must-carry requirement.

Furthermore, if negotiations for retransmission consent fail, cable companies are not permitted to retransmit the broadcast signals that they have not been granted a license to retransmit. This is precisely what has happened in the dispute between Time Warner Cable and CBS Broadcasting.

My concern is that when retransmission consent negotiations fail, consumers often look to the Federal Communications Commission (FCC) to mediate the dispute. However, the FCC actually has very little authority over retransmission consent negotiations.

The Communications Act requires that programming be offered on a non-discriminatory basis, and that the negotiations be conducted in good faith.

The FCC has the authority to enforce both of these requirements, but does not appear to have the authority to force the companies to reach an agreement, or the ability to order the companies to continue to provide programming to consumers who have lost access while the dispute is being resolved.

Therefore, as was seen in the debacle that was the TWC–CBS negotiation, unless negotiations are not occurring in ''good faith'' the FCC has little power over retransmission consent agreements.

STELA clarified that a significantly viewed signal may only be provided in high definition format if the satellite carrier is passing through all of the high definition programming of the corresponding local station in high definition format as well; if the local station is not providing programming in high definition format, then the satellite operator is not restricted from providing the significantly viewed station's signal in high definition format.

The United States Copyright Office has proposed that Congress abolish Sections 111 and 119 of the Copyright Law, arguing that the statutory licensing systems created by these provisions result in lower payments to copyright holders than would be made if compensation were left to market negotiations.

According to the Copyright Office, the cable and satellite industries no longer are nascent entities in need of government subsidies, have substantial market power, and are able to negotiate private agreements with copyright owners for programming carried on distant broadcast signals.

Congress must have a role in the broadcasting space but whether that is doing away with compulsory licensing or becoming even more involved is what needs to be discussed.

PERSONAL EXPLANATION

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2014

Mr. HUFFMAN. Mr. Speaker, on rollcall votes Nos. 433–436: I was unavoidably absent. Had I been present, I would have voted in the following manner:

On rollcall No. 433, had I been present, I would have voted ''yea.''

On rollcall No. 434, had I been present, I would have voted ''yea.''

On rollcall No. 435, had I been present, I would have voted ''yea.''

On rollcall No. 436, had I been present, I would have voted ''yea.''

IN MEMORY OF MICHAEL GEORGE AND HIS DECADES OF LEADERSHIP IN THE GREATER DETROIT REGION

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2014

Mr. PETERS of Michigan. Mr. Speaker, I rise today, with a heavy heart, to mark the passing of Michael J. George, a respected business leader, philanthropist and patriarch of the Chaldean American community in Southeast Michigan.